

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADRIENNE HUDSON, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

FIRST TRANSIT, INC.,

Defendant.

No. C 10-03158 WHA

**ORDER REGARDING
JOINT LETTER**

In this proposed employment discrimination class action, the parties write jointly by letter to request (i) “release of the parties from the Court’s instruction not to discuss settlement prior to the ruling on class certification”; and (ii) “to postpone class certification expert discovery and briefing until after issuance of the United States Supreme Court decision in *Dukes v. Wal-Mart*.”

As an initial matter, letters are not the proper way to seek relief from the Court (except as outlined in the Court’s standing order regarding discovery disputes, which the parties’ letter does not present). If the parties seek further action from this Court, then they should file a timely motion for relief.

Nevertheless, in this instance regardless of the improper form in which relief was requested, the requested relief is **DENIED**. As to the parties’ first request, plaintiff’s counsel has not been appointed interim class counsel pursuant to FRCP 23(g)(3). Counsel do not request such appointment in their letter. They offer no reason why they should be allowed to compromise the rights of absent parties without a proper vetting under the law. As to the parties’ second request,

1 a prior order stated very clearly that “no further extensions [of the class certification motion
2 deadline] will be granted, and no extension of the case management schedule will be granted
3 [otherwise]” (Dkt. No. 42). That ruling still stands.

4 **IT IS SO ORDERED.**

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6 Dated: May 17, 2011.



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8 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE